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Paper No. 11

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**OFFICE OF PETITIONS**

ON PETITION

In re Application of  
Katsuichi Osakabe  
Application No. 09/412,736  
Filed: October 4, 1999  
Attorney Docket No. 51270-245618

This is a decision on the petition, filed July 3, 2003, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

**Petitioner is advised that the issue fee paid on May 28, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.<sup>1</sup>**

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 2653 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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<sup>1</sup> The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Paper No. 12

Date : July 3, 2003  
TO : Director, Office of Publication and Dissemination  
FROM : Office of the Deputy Commissioner  
for Patent Examination Policy  
SUBJECT : Withdrawal from Issue of

Applicant(s) : Katsuichi Osakabe  
Application No. : 09/412,736  
Filed : October 4, 1999

The above-identified application has been assigned Patent No. 6,594,211 and an issue date of July 15, 2003.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of July 15, 2003:

"All reference to Patent No. 6,594,211 to Katsuichi Osakabe of Japan for RECORDABLE OPTICAL DISK AND OPTICAL DISK RECORDING DEVICE UTILIZING PRE-RECORDING SPEED INFORMATION appearing in the Official Gazette of July 15, 2003 should be deleted since no patent was granted."

*Karen Creasy*

Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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